

Ordinance No. 04-_____

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF LEON COUNTY, FLORIDA, AMENDING ARTICLE III OF CHAPTER 8 OF THE CODE OF LAWS OF LEON COUNTY, FLORIDA, RELATED TO EMERGENCY MEDICAL TRANSPORTATION SERVICES; AMENDING SECTION 8-57, DEFINITIONS; AMENDING SECTION 8-58, EMERGENCY MEDICAL SERVICES ADVISORY COUNSEL; AMENDING SECTION 8-59, CERTIFICATES REQUIRED; AMENDING SECTION 8-60, CLASSIFICATION OF CERTIFICATES; AMENDING SECTION 8-61, CERTIFICATE APPLICATION; AMENDING SECTION 8-62, APPLICATION REVIEW; AMENDING SECTION 8-63, ISSUANCE OR REFUSAL; AMENDING SECTION 8-64, RIGHTS AND DUTIES GRANTED BY CERTIFICATION; AMENDING SECTION 8-65, CERTIFICATE REVOCATION, MODIFICATION, SUSPENSION OR AFFIRMATION; AMENDING SECTION 8-66, INVESTIGATIVE PROCEDURES; REPEALING SECTION 8-68, CIVIL REMEDIES; AMENDING SECTION 8-73, VIOLATIONS AND PENALTIES; REPEALING SECTION 8-74, EFFECT ON OTHER ORDINANCES; REPEALING SECTION 8-75, SEVERABILITY; REPEALING SECTION 8-76, CONSTRUCTION OF ORDINANCE; REPEALING SECTION 8-77, EFFECTIVE DATE; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF LEON COUNTY, FLORIDA, THAT:

Section 1. Article III of Chapter 8 of the Code of Laws of Leon County, Florida, entitled Emergency Medical Transportation Services, is hereby amended to read as follows:

ARTICLE III. EMERGENCY MEDICAL TRANSPORTATION SERVICES

Sec. 8-56. Purpose and scope.

This article is enacted pursuant to Chapter 401.25(6), Florida Statutes, for the purpose of providing standards and necessary regulations for the issuance of certificates of public convenience and necessity for basic and advanced life support services. This article shall apply and be in force within the incorporated and unincorporated areas of Leon County. To the extent

1 this Ordinance is more restrictive than the requirements of Chapter 401, Florida Statutes, or Rule
2 64E-2, Florida Administrative Code, the provisions of this article shall prevail.

3 **Sec. 8-57. Definitions.**

4 The definitions set forth in Chapter 401.23, Florida Statutes, are incorporated herein by
5 reference and are not generally repeated. When used in this ordinance, the following terms shall
6 have the meanings ascribed to them by this section:

7 Ambulance or emergency medical services vehicle: any privately or publicly owned land,
8 air or water vehicle that is designed, constructed, reconstructed, maintained, equipped, or
9 operated for, and is used for, or intended to be used for, land or water transportation of sick or
10 injured persons who may need medical attention during transport shall have the same meaning as
11 defined in § 401.23, Florida Statutes, as amended from time to time.

12 Ambulance driver: Shall have the same meaning as defined in § 401.23, Florida Statutes,
13 as amended from time to time.

14 Advanced Life Support: Shall have the same meaning as defined in § 401.23, Florida
15 Statutes, as amended from time to time.

16 Advanced Life Support Service: Shall have the same meaning as defined in § 401.23,
17 Florida Statutes, as amended from time to time.

18 Air ambulance: Shall have the same meaning as defined in § 401.23, Florida Statutes, as
19 amended from time to time.

20 Basic Life Support: Shall have the same meaning as defined in § 401.23, Florida
21 Statutes, as amended from time to time.

22 Basic Life Support Service: Shall have the same meaning as defined in § 401.23, Florida
23 Statutes, as amended from time to time.

24 Board: The Board of County Commissioners of Leon County, Florida.

25 Certificate: A Certificate of Public Convenience and Necessity for a specific
26 classification of services issued by the Board of County Commissioners to a private or public
27 entity which authorizes the entity to provide emergency medical services countywide.

28 Council: The Emergency Medical Services Advisory Council of Leon County.

29 County: The incorporated and unincorporated areas within the territorial limits of Leon
30 County, Florida.

Department: The Florida Department of Health.

Emergency Medical Technician: Shall have the same meaning as defined in § 401.23, Florida Statutes, as amended from time to time.

First responder: Pursuant to Section 401.435, F.S., an individual who possesses the required state certification and licensure credentials to provide First Response and is acting under proper medical direction shall be permitted to respond to pre-hospital emergency medical incidents.

Hospital: Any facility located in the County licensed as a hospital in accordance with Chapter 395, Florida Statutes, and which operates a dedicated emergency department.

License: Any license or transfer of license issued by the Department of Health pursuant to Chapter 401, Florida Statutes.

Medical Director: A Board certified emergency physician who meets the requirements of the Florida Department of Health, Bureau of Emergency Medical Services and who provides clinical oversight, medical protocols and policy development, quality assurance and quality improvement services.

Operator: Any person engaged in business as the owner, proprietor, purchaser, or lessee of ambulances, emergency medical services vehicles, air ambulances, or other vehicles intended to be used for basic, advanced life support services or emergency transportation services in Leon County.

Paramedic: Shall have the same meaning as defined in § 401.23, Florida Statutes, as amended from time to time.

Patient: An individual who is ill, sick, injured, wounded or otherwise incapacitated and is in need of or can be expected to need emergency medical care.

~~*Permit:* Any authorization issued pursuant to the provisions of Chapter 401, Florida Statutes, for a vehicle to be operated as a transport vehicle providing basic or advanced life support or a non-transport vehicle providing basic life support.~~ Shall have the same meaning as defined in § 401.23, Florida Statutes, as amended from time to time.

Person: Any individual, firm, association, partnership, corporation, local government, or any other group, combination of individuals or entities acting as a unit.

Registered Nurse: Shall have the same meaning as defined in § 401.23, Florida Statutes, as amended from time to time.

Rules and regulations: those specific requirements and guidelines which are promulgated and periodically revised by the Board and codified in this ordinance. ~~Each hospital's capability to handle certain types of triage cases depends upon the composition of its medical Staff, which is subject to frequent changes.~~

Vehicle: Includes aircraft, landcraft and watercraft.

Sec. 8-58. Emergency medical services advisory council.

There is hereby created the Emergency Medical Services Advisory Council of Leon County (hereinafter referred to as "EMSAC"). Membership of the EMSAC Council shall consist of the County Administrator or designee, who shall act as Chairman of the EMSAC, the Assistant County Administrator or designee, the City Manager of the City of Tallahassee or designee, the Leon County EMS Medical Director, and the Administrator, or designee, and Emergency Department Medical Director of each hospital, of Tallahassee Memorial Healthcare, Inc. (TMH), and the Medical Director of the Emergency Department of TMH, the Administrator of Tallahassee Medical Center, Inc. and the Medical Director of the Emergency Department of TCH. It shall be the duty of the EMSAC Council to make recommendations to the Board and its administrative staff as to the significant needs, issues and opportunities relating to emergency medical services, including the provision of ambulance service in the County, and such other duties as may be prescribed under this ordinance.

The EMSAC is hereby delegated the authority by the Board to promulgate the rules and regulations necessary to carry out the provisions of this ordinance. The EMS Chief shall provide staff to the EMSAC.

Sec. 8-59. Certificates required.

No person shall ~~operate~~ conduct, engage in, advertise for, or provide any of the services as described in this ordinance unless a Certificate of Public Convenience and Necessity is first obtained from the Board.

Sec. 8-60. Classification of certificates.

Certificates shall be classified, and certificate holders shall operate in accordance with the classification of each service category as follows:

(1) *Advanced Life Support Ground Transport Services Certificate*: Holders of this certificate shall:

- a. Provide advanced life support ~~treatment~~ services as defined under Florida Statutes, 401.23 and 64E-2.003, Florida Administrative Code;
- ~~b. Include land or air vehicles in its service;~~
- be. Maintain its vehicle(s) and operate its ~~treatment~~ service program with the intention of providing both medical transport and ALS service medical treatment and transportation for those treated, on a regular 24 hour per day, 7 day per week basis throughout the County, ~~as a matter of established operational policy;~~
- c. Abide by standard operating medical procedures and protocols promulgated by the County EMS Medical Director;
- d. Participate in EMS system quality assurance activities as directed by the County EMS Medical Director.

(2) *Air Ambulance Service Transport Certificate*: Holders of this certificate shall:

- a. Provide air ambulance services, rotary wing or fixed wing, as defined by Section 401.23, Florida Statutes and 64E-2.005, Florida Administrative Code;
- b. Abide by standard operating medical procedures and protocols as directed by the providers' EMS Air Ambulance Medical Directors or that of the County EMS Medical Director, whichever provides a higher level of patient care;
- c. Participate in EMS system quality assurance activities as directed by the County EMS Medical Director.

(3)(2) *Basic Life Support Services Transport Services Certificate*: Holders of this certificate shall:

- a. Provide basic life support ~~treatment~~ services as defined under Florida Statutes, 401.23 and 64E-2.002, Florida Administrative Code;

- b. Abide by standard operating medical procedures and protocols promulgated by the County EMS Medical Director; ~~operate with no intention of providing transportation to those treated.~~
- c. Participate in EMS system quality assurance activities as directed by County EMS Medical Director; ~~First Responders as defined herein shall be considered appropriate providers of Basic Life Support Services.~~
- d. Maintain its vehicle(s) and operate its service program with the intention of providing both medical transport and BLS service on a regular 24 hour per day, 7 day per week basis throughout the County.

(4) Advanced Life Support Non-transport Services Certificate: Holders of this certificate shall:

- a. Provide advanced life support services as defined under Section 401.23, Florida Statutes, and 64E-2.005, Florida Administrative Code, excluding transport requirements;
- b. Abide by standard operating medical procedures and protocols promulgated by the County EMS Medical Director;
- c. Participate in EMS system quality assurance activities as directed by the County EMS Medical Director.

Sec. 8-61. Certificate application.

Every application for a certificate of Public Convenience and Necessity under this ordinance shall be in writing, signed and sworn by the applicant and shall be filed with the Board. The application shall contain the following:

- (1) The name, age and address of the applicant and the length of time the applicant has resided in the County if the applicant is an individual; the business name of the partnership and the name, age and address of each partner and the length of time each partner has resided in the County if the application is a partnership; the names and residences of all officers and directors if the applicant is a corporation; the classification of the Certificate of Public Convenience and Necessity being applied for.

- (2) If the applicant is a corporation, the type and number of shares outstanding and the name and the addresses of shareholders.
- (3) The date of incorporation or formation of the entity.
- (4) A description of the services to be provided.
- (5) The addresses of the applicant's present and proposed base station location and all sub-stations, including the methodology used to determine their locations as well as the process to be used to relocate/add substations in the future.
- (6) The names and certification numbers of all emergency medical technicians, paramedics, first responders, drivers or other attendants employed by or affiliated with the applicant.
- (7) The year, model, type, Department Permit number (when received by Department), motor vehicle or FAA license registration number and mileage of every ambulance, rescue vehicle or other type of transporting or responding vehicle used by the applicant. ~~The date of the last major overhaul must also be included for aircraft utilization by applicant in responding to and transporting from a medical incident.~~
- (8) Applicants desiring to provide ground transport must provide a written plan describing the procedures to replace vehicles at intervals of no greater than five years or 200,000 miles, whichever occurs first.
- (9) Applicants desiring to provide ground transport must provide a written plan describing the procedures to replace non-disposable medical equipment based on manufacturer standards.
- (10) Air ambulance providers must include a copy of their most recent operations manual and FAA Part 135 Certificate.
- (11)(8) A description of the applicant's communication system, including its assigned frequency, call number, mobiles, portables, range and hospital communications ability.
- (12)(9) A proposed operating budget for the purpose of demonstrating financial ability to perform and commitment to providing described services.

political subdivisions of the State, who shall not be required to submit such application fee.

Sec. 8-62. Application review.

(a) Within five (5) days of receipt of an application for any a eCertificate under this ordinance and the appropriate fee, the Board shall transmit a copy of the application to the following: The City of Tallahassee, the Tallahassee Fire Department, the Leon County Director of Emergency Management, the medical directors of ~~EMS providers~~ Emergency Departments at all hospitals, ~~the emergency rooms,~~ existing ambulance services, and the ~~Council~~ EMSAC members. All recommendations on the application shall be forwarded to the ~~Council~~ EMSAC within 30 days of receipt. The ~~Council~~ EMSAC shall then have 30 days in which to review the recommendations. Thereafter, the ~~Council~~ EMSAC shall submit its recommendation for granting (with or without limitations) or denying the certificate to the Board. ~~no later than September 4 of the year in which the application is received.~~

(b) The ~~Council~~ EMSAC shall, within the time prescribed in subsection (a) of this section, review the application and cause an investigation to be made of the character and reputation of the applicant. The ~~Council's~~ EMSAC's investigation and review of the application shall include, but not be limited to the following:

- (1) The financial responsibility of the applicant to maintain safe, comfortable services, maintain or replace medical equipment, and maintain all insurance coverage required under this ordinance.
- (2) The condition of the emergency medical services vehicles and equipment provided by the service.
- (3) The adequacy of the standard operating procedures of the applicant.
- (4) The past performance and service record of the applicant obtained from sources such as hospitals, nursing homes, local public safety agencies and the Department of Health.
- (5) The number and type of services and governmental entities currently providing emergency basic and advanced life support emergency medical services or air medical transportation services to the area, and the effect of

the proposed services on the quality and cost of any existing medical transportation or rescue services.

(6) The basis for determination of need may include, but shall not be limited to:

a. A computation of the ratio of estimated annual requests for service in the particular certificate category, to the current number of vehicles satisfying requests;

b. A computation of the ratio of vehicles per 1,000 population.

c. A benchmark comparison with other entities of similar size and geography providing emergency medical services.

(7) The extent to which the applicant and all proposed equipment and personnel conform to the requirements of Chapter 401, Florida Statutes, any amendments thereto, and any rules promulgated thereunder.

(8) Such other facts which the ~~Council~~ EMSAC may deem relevant in determining the fitness of the applicant to assume the occupation of an operator.

Sec. 8-63. Issuance or refusal.

(a) Within 30 days of receipt of the ~~Council's~~ EMSAC's recommendation, the Board shall review said recommendation and may uphold, amend or deny, in whole or in part, the recommendations of the ~~Council~~ EMSAC. Any substantive amendment made by the Board shall be returned to the ~~Council~~ EMSAC for further review. If the Board finds that the ~~proposed service applicant~~ meets the requirements for a particular classification of a Certificate of public convenience and necessity, it may issue a certificate, subject to the limitations as the Board deems necessary to protect the public health, safety and welfare. A ~~e~~Certificate shall be valid for a period of three years and shall not be transferable or assignable without the prior written approval of the Board.

(b) Every ~~e~~Certificate issued under this ordinance shall state:

(1) The name of the service.

(2) Certificate classification as specified in Section 5 of this ordinance.

(3) Date of issuance and the date of expiration.

(4) ~~Certification that the recommendations of the City of Tallahassee were considered, if any.~~

(5) ~~That the service territory authorized is all of Leon County.~~

(4)(6) The minimum number of vehicles to be used by the applicant in the rendition of such services.

(5)(7) Such conditions and limitations as the Board may deem necessary or proper in the public interest.

(6)(8) The signatures of the Chairman of the Board and the Clerk of the Courts.

Sec. 8-64. Rights and duties granted by certification.

(a) Advanced Life Support Ground Transport Services Certificate: Acceptance of the Advanced Life Support Ground Transport Services Certificate shall obligate the applicant to:

(1) Provide continuous and uninterrupted emergency medical services to the extent authorized by the certificate.

(2) Keep such records as may be required by the federal or state government or by the Board and make such records available to the County Administrator or his designee for inspection.

(3) Promptly respond to every emergency call for ambulance service. Patients shall be loaded and transported without being subject to unreasonable delays and without regard to financial ability to pay. All emergency response times shall be kept by the operator, and a log reflecting such response time shall be made available to the Council EMSAC annually, or as otherwise requested by the EMSAC. ~~for the year ending September 30 by no later than December 1 of each consecutive year and a report submitted to the Board within sixty (60) days thereafter.~~

(4) Operate a minimum number of five Advanced Life Support ambulances on immediate call at all times. ~~Further, every certificate holder shall be required to maintain one out of service (back up) state-certified ambulance for every two ambulances on immediate call.~~ The actual number of ambulances required to be maintained on "immediate call" and "out of

service" shall be reviewed by the ~~Council~~ EMSAC and the actual numbers determined pursuant to the terms of subsection 8-62(b)(6).

(5) Provide advance notice of any proposed rate changes to the ~~Council~~ EMSAC.

(6) Complete an ambulance run report for all ~~emergency~~ ambulance calls, noting the time, place of origin, destination requested by patient, actual destination, and identification of services (charge codes) for which charges are made, and such other operating and patient information as may be required by the ~~Board~~ EMSAC or ~~Emergency Medical Services Program Office of the Department~~ Florida Department of Health Bureau of Emergency Medical Services, hereinafter BEMS. Every operator shall retain and preserve all daily run reports for at least five years, and such run reports shall be available for inspection by the ~~Council~~ EMSAC upon request. The ~~Council~~ EMSAC shall make an semi-annual review of said run reports for the year ending September 30 by no later than December 1 of each consecutive year and submit its report to the Board; within 60 days thereafter.

(7) Maintain liability insurance in such amounts and with such coverage as the Board may require upon issuance of the certificate.

(8) Operate in conformance with all federal and state laws and local ordinances.

(9) File an application for renewal of its certificate at least 180 days prior to ~~May 1 (by November 2)~~ the date of expiration.

(10) Notify the Board in writing at least 180 days prior to ~~May 1 (by November 2)~~ the date of expiration in the event the operator determines that it will not file an application for renewal of its certificate.

(11) Notify the Board in writing, in the event the operator determines that it will no longer provide services authorized under its certificate, at least 180 days prior to the date the operator plans to cease providing services in the County.

(12) ~~The Emergency Medical Services Advisory Council is hereby delegated the authority by the Board to promulgate the rules and regulations adopted in this ordinance. Adopt and adhere to the principles contained in the "Ambulance Service Hospital Triage Recommendations" as adopted by both hospitals and as may be periodically revised, a copy of which is attached hereto as Exhibit "B" and by this reference made a part hereof.~~

(b) Air Ambulance Service Transport Certificate: Acceptance of the Air Ambulance Service Transport Certificate shall obligate the applicant to:

- (1) Provide continuous and uninterrupted emergency medical services to the extent authorized by the certificate.
- (2) Keep such records as may be required by the federal or state government or by the Board and make such records available to the County Administrator or his designee for inspection.
- (3) Promptly respond to every emergency call for air ambulance service. Patients shall be loaded and transported without being subject to unreasonable delays and without regard to financial ability to pay. All emergency response times shall be kept by the operator, and a log reflecting such response time shall be made available to the EMSAC annually, or as otherwise requested by the EMSAC
- (4) Provide advance notice of any proposed rate changes to the EMSAC.
- (5) Complete an air ambulance run report for all air ambulance calls, noting the time, place of origin, destination requested by patient, actual destination, and identification of services (charge codes) for which charges are made, and such other operating and patient information as may be required by the EMSAC or BEMS. Every operator shall retain and preserve all air ambulance run reports for at least five years, and such run reports shall be available for inspection by the EMSAC upon request. The EMSAC shall make an semi-annual review of said run reports for the year ending September 30 by no later than December 1 of each consecutive year and submit its report to the Board; within sixty (60) days thereafter.

- (6) Maintain liability insurance in such amounts and with such coverage as the Board may require upon issuance of the certificate.
- (7) Operate in conformance with all federal and state laws and local ordinances.
- (8) File an application for renewal of its certificate at least 180 days prior to the date of expiration.
- (9) Notify the Board in writing at least 180 days prior to the date of expiration in the event the operator determines that it will not file an application for renewal of its certificate.
- (10) Notify the Board in writing, in the event the operator determines that it will no longer provide services authorized under its certificate, at least 180 days prior to the date the operator plans to cease providing services in the County.

(c)(b) Basic Life Support Services Transport Certificate: Acceptance of the Basic Life Support Services Transport Certificate shall obligate the applicant to:

- (1) Provide continuous and uninterrupted services to the extent authorized by the certificate.
- (2) Keep such records as may be required by the federal or state government or by the Board and make such records available to the County Administrator or his designee for inspection.
- (3) Promptly respond to every call for service. All emergency response times shall be kept by the operator, and a log reflecting such response time shall be made available to the Council EMSAC ~~upon request annually, or as otherwise requested by the EMSAC.~~ ~~Response times shall be reviewed by the Council by May 1 and October 1 of each year and a report submitted to the Board within sixty (60) days thereafter.~~
- (4) Complete a run report for all emergency calls, noting the time, place and such other operating and patient information as may be required by the Board EMSAC. Every operator shall retain and preserve all daily run

reports for at least five years, and such run reports shall be available for inspection by the Council EMSAC upon request.

- (5) Maintain liability insurance in such amounts and with such coverage as the Board may require upon issuance of the certificate.
- (6) Operate in conformance with all federal and state laws and local ordinances.
- (7) File an application for renewal of its certificate at least 180 days prior to May 1 (by November 2) the date of expiration.
- (8) Notify the Board in writing at least 180 days prior to May 1 (by November 2) the date of expiration in the event the operator determines that it will not file an application for renewal of its certificate.
- (9) Notify the Board in writing, in the event the operator determines that it will no longer provide services authorized under its certificate, at least 180 days prior to the date the operator plans to cease providing services in the County.

(d) Advanced Life Support Non-Transport Services Certificate: Acceptance of the Advanced Life Support Services Non-Transport Certificate shall obligate the applicant to:

- (1) Provide continuous and uninterrupted emergency medical services to the extent authorized by the certificate.
- (2) Keep such records as may be required by the federal or state government or by the Board and make such records available to the County Administrator for inspection.
- (3) Promptly respond to every call for service. All emergency response times shall be kept by the operator, and a log reflecting such response time shall be made available to the EMSAC annually, or as otherwise requested by the EMSAC.
- (4) Complete an emergency run report for all calls, noting the time, place of origin, destination requested by patient, actual destination, and identification of services (charge codes) for which charges are made, and such other operating and patient information as may be required by the

EMSAC or BEMS. Every operator shall retain and preserve all daily run reports for at least five years, and such run reports shall be available for inspection by the EMSAC upon request.

(5) Maintain liability insurance in such amounts and with such coverage as the Board may require upon issuance of the certificate.

(6) Operate in conformance with all federal and state laws and local ordinances.

(7) File an application for renewal of its certificate at least 180 days prior to the date of expiration.

(8) Notify the Board in writing at least 180 days prior to the date of expiration in the event the operator determines that it will not file an application for renewal of its certificate.

(9) Notify the Board in writing, in the event the operator determines that it will no longer provide services authorized under its certificate, at least 180 days prior to the date the operator plans to cease providing services in the County.

Sec. 8-65. Certificate revocation, modification, suspension or affirmation.

Every Certificate of Public Convenience and Necessity issued pursuant to this ordinance is subject to revocation, modification, or suspension by the Board when it is found that:

- (1) The certificate holder has failed or neglected to render services as required by the eCertificate, this Ordinance, or the Rules and Regulations promulgated under hereunder, Chapter 401, Florida Statutes, or the Florida Administrative Code; or
- (2) The certificate holder or its agent has demanded money or other compensation in excess of that established in its schedule of charges filed with the ~~Council~~ EMSAC; or
- (3) The certificate holder has been convicted of a felony ~~or has failed to maintain provider status with the Medicare and/or Medicaid program~~ which involved conduct indicating the certificate holder to be of such character and capable of such conduct which fail to meet standards considered by the Board to be appropriate in the licensed activity. In determining whether to recommend

revocation, suspension or modification of the certificate, the Council shall consider (1) the nature and seriousness of the felony, and (2) the circumstances under which the felony occurred; or

(4) The certificate was obtained by an application in which any material fact was omitted or falsely stated; or

(5) Such revocation, modification or suspension of the certificate, upon good cause shown, will best serve the public interest.

Sec. 8-66. Investigative procedures.

(a) All unresolved issues and complaints related to the services of a certificate holder shall be referred within five (5) days of receipt of the complaint to the ~~Council~~ EMS Chief for investigation. The ~~Council~~ EMS Chief shall conduct an investigation and file a written report to the ~~Board~~ EMSAC within 60 days of receipt of the complaint.

(b) The County Administrator shall notify the certificate holder by certified mail of the ~~Council's~~ EMSAC's recommendation within five (5) days of receipt thereof. If the ~~Council~~ EMSAC determines that revocation, suspension or modification of a certificate is warranted, the notice to the certificate holder shall state the reasons for such findings and establish a hearing date. The hearing and final determination shall be held by the Board.

Sec. 8-67. Rules and regulations.

The Board is hereby authorized to adopt such forms, rules, regulations and policies as may be necessary or proper to implement this ordinance.

~~Sec. 8-68. Civil remedies.~~

~~The Board or any aggrieved person may have recourse to such remedies in law and in equity as may be necessary to ensure compliance with the provisions of this ordinance, including injunctive relief to enjoin and restrain any person from violating its provisions.~~

~~If the Board prevails (whether by judicial decree or by settlement), it shall be awarded all of its costs and expenses, including a reasonable attorney's fee, in addition to any other relief awarded or obtained.~~

Sec. ~~8-68.~~ 8-69 Transfer or assignment.

No certificate issued pursuant to this ordinance shall be assignable or transferable by the person to whom it is issued, except upon approval by the Board in the same manner and subject

1 to the same application, investigation, fees and public hearings original applications for
2 certificates. Any majority transfer of shares of stock or interest of any person or operator so as to
3 cause a change in the directors, officers, majority shareholders or managers of such person or
4 operator shall be deemed a transfer or assignment as contemplated in this ordinance and subject
5 to the same rules and regulations as any other transfer or assignment.

6 **Sec. ~~8-69~~. 8-70 The City of Tallahassee not to require license, permit or payment of**
7 **fees, except occupational license authorized by general or special law.**

8 The City of Tallahassee shall not require any operator holding a certificate issued
9 pursuant to this ordinance to obtain any municipal license, certificate or permit, nor require the
10 payment of any fees for the right to operate within said municipality, except an occupational
11 license authorized by general or special law.

12 **Sec. ~~8-70~~. 8-71 Article not applicable to government ambulances.**

13 Nothing in this ordinance is intended to apply to any ambulance which is owned or
14 operated by any agency of the state or federal government.

15 **Sec. ~~8-71~~. 8-72 Turning in a false alarm.**

16 Whoever, without reasonable cause, by telephone or otherwise, summons any emergency
17 medical services vehicle pursuant to this ordinance or reports that such vehicle is needed when
18 such person knows or has reason to know that the services of such vehicle are not needed, shall
19 be guilty of violation of this ordinance subject to punishment as provided herein.

20 **Sec. ~~8-72~~. 8-73 Violations and penalties.**

21 Violations of this ordinance shall be subject to punishment as provided by Chapter
22 125.69, Florida Statutes. Violators shall be prosecuted by the Office of the State Attorney in the
23 same manner as misdemeanors are prosecuted, ~~and, upon conviction, shall be punished by a fine~~
24 ~~not to exceed \$500. In addition, the violators shall, upon conviction, pay all costs and expenses~~
25 ~~involved in the case.~~ Each day or fraction thereof that a violation continues shall be considered a
26 separate offense.

27 **~~Sec. 8-74. Effect on other ordinances.~~**

28 ~~The provisions of this ordinance shall prevail in the event of conflict with the provisions~~
29 ~~of any existing Leon County ordinance or regulation.~~

30 **~~Sec. 8-75. Severability.~~**

DULY PASSED AND ADOPTED BY the Board of County Commissioners of Leon
County, Florida, this _____ day of _____, 2004.

LEON COUNTY, FLORIDA

By: _____
Jane G. Sauls, Chairman
Board of County Commissioners

ATTESTED BY:
Bob Inzer, Clerk of the Court

By: _____
Clerk

APPROVED AS TO FORM:
County Attorney's Office
Leon County, Florida

By: _____
Herbert W.A. Thiele, Esq.
County Attorney